REMARKS

Applicants respectfully request entry of the amendments, the following remarks, and provisional election. In response to the Restriction Requirement, dated June 22, 2005, Applicants hereby elect with traverse Group III, directed to claims 21-42. Applicants have withdrawn claims 1-20 and claim 46 without prejudice or disclaimer. Applicants have deleted claim 30 without prejudice. Applicants reserve the right to file one or more divisional, continuation, or continuation-in-part applications directed to withdrawn, deleted, or non-elected subject matter disclosed in the application as originally filed. Applicants have amended claims 31, 38 and 39 to recite proper dependency. Applicants also have amended claims 21, 22, 24, 25, and 27-29 to more clearly recite the claimed invention. Support for the amendments can be found throughout the specification as filed. (*See, for example*, page 14, lines 18-23). Amendments to the claims were made to correct clerical errors (*i.e.*, improper dependency on multiple dependent claims and to provide proper antecedent basis) and not for reasons related to patentability. No new matter has been added by any of the amendments to the claims.

Although the Examiner has classified claims 43-45 in Group II, Applicants believe it is more appropriate and would appreciate if the Examiner could reconsider this classification and include claims 43-45 with the elected claims of Group III (*i.e.*, claims 21-42).

Applicants respectfully submit that the invention recited by the claims of Group III and claims 43-45 do in fact share the same or corresponding special technical features. PCT Rule 13.2 defines the expression "special technical feature" to mean "those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." In consideration of this definition, Applicants assert that the special technical feature of the invention recited by the claims of Group III and claims 43-45 is the "method of determining the presence or amount of

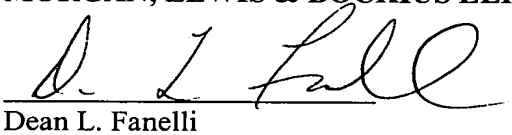
newly synthesized antibody in a body fluid sample or a sample derived from lymph nodes or nodules in response to an immunogen by lysis of the lymphocytes."

Applicants respectfully submit that the method recited by claims 43-45 relates to the same inventive concept as Group III, as each of these claims utilizes the method, which is defined in the claims of Group III (*i.e.*, claims 21-42). This is evident from the reference in these claims to the methods recited in claims 21 and 22. Moreover, the method of diagnosis or monitoring of an infection requires that the claimed method (*i.e.*, as recited in claims 21 and 22) is carried out on an appropriate sample from a patient and the results obtained are compared to those obtained using the method on a reference and/or control sample.

For the above-identified reasons, Applicants respectfully request that the Examiner reconsider the restriction with regard to claims 43-45 and include claims 43-45 with the Group including claims 21-42. If the Examiner would like to have a telephone conference to discuss any points herein, Applicants would be happy to discuss this matter with the Examiner.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any necessary fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Date: July 21, 2005 *By*: 

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